

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JACOB CURTIS-ALLEN HELM,

Plaintiff,

v.

MADERA COUNTY CALIFORNIA, et al.,

Defendants.

Case No. 1:23-cv-00487-ADA-EPG (PC)

FINDINGS AND RECOMMENDATIONS,
RECOMMENDING THAT THIS ACTION
BE DISMISSED FOR FAILURE TO STATE
A CLAIM, FAILURE TO PROSECUTE,
AND FAILURE TO COMPLY WITH A
COURT ORDER

(ECF Nos. 1, 10).

OBJECTIONS, IF ANY, DUE WITHIN
FOURTEEN DAYS

Plaintiff Jacob Curtis-Allen Helm¹ is proceeding *pro se* and *in forma pauperis* in this apparent civil rights action filed pursuant to 42 U.S.C. § 1983. Plaintiff filed the complaint commencing this action on March 30, 2023. (ECF No. 1). The complaint is now before this Court for screening. Plaintiff alleges that he suffered torture while confined at Madera County Jail.

On June 21, 2023, the Court screened the complaint and concluded that Plaintiff failed to state any cognizable claims. (ECF No. 10). The Court gave Plaintiff thirty days from the

¹ The Court proceeds under the presumption that Plaintiff is one person, Jacob Curtis Allen Helm. However, it notes that Plaintiff could be using alternative names, Jacob Curtis, aka Allen Helm; or there could be two separate Plaintiffs, Jacob Curtis and Allen Helm.

1 date of service of the order to file an amended complaint or to notify the Court that he wanted
 2 to stand on his complaint. (*Id.* at 5-6). And the Court warned Plaintiff that “[f]ailure to comply
 3 with this order may result in the dismissal of this action.” (*Id.*).

4 The thirty-day deadline has passed, and Plaintiff has not filed an amended complaint or
 5 otherwise responded to the Court’s order. Accordingly, for the reasons below, the Court will
 6 recommend that Plaintiff’s case be dismissed for failure to state a claim. The Court will also
 7 recommend that Plaintiff’s case be dismissed for failure to prosecute and failure to comply with
 8 a court order.

9 I. SCREENING REQUIREMENT

10 As Plaintiff is proceeding *in forma pauperis* (ECF No. 6), the Court may screen the
 11 complaint under 28 U.S.C. § 1915. “Notwithstanding any filing fee, or any portion thereof,
 12 that may have been paid, the court shall dismiss the case at any time if the court determines that
 13 the action or appeal fails to state a claim upon which relief may be granted.” 28 U.S.C.
 14 § 1915(e)(2)(B)(ii).

15 A complaint is required to contain “a short and plain statement of the claim showing
 16 that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2). Detailed factual allegations are
 17 not required, but “[t]hreadbare recitals of the elements of a cause of action, supported by mere
 18 conclusory statements, do not suffice.” Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009) (citing Bell
 19 Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007)). A plaintiff must set forth “sufficient
 20 factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Id.*
 21 (quoting Twombly, 550 U.S. at 570). The mere possibility of misconduct falls short of meeting
 22 this plausibility standard. *Id.* at 679. While a plaintiff’s allegations are taken as true, courts
 23 “are not required to indulge unwarranted inferences.” Doe I v. Wal-Mart Stores, Inc., 572 F.3d
 24 677, 681 (9th Cir. 2009) (citation and internal quotation marks omitted). Additionally, a
 25 plaintiff’s legal conclusions are not accepted as true. Iqbal, 556 U.S. at 678.

26 Pleadings of *pro se* plaintiffs “must be held to less stringent standards than formal
 27 pleadings drafted by lawyers.” Hebbe v. Pliler, 627 F.3d 338, 342 (9th Cir. 2010) (holding that
 28 *pro se* complaints should continue to be liberally construed after Iqbal).

1 **II. SUMMARY OF PLAINTIFF’S COMPLAINT**

2 Plaintiff’s complete factual allegations are as follows:

3 Methods of torture were used upon Jacob Curtis-Allen Helm and other inmates of
4 Madera County Jail, perpetual mental assaults, isolation, torture, obfuscation techniques,
5 coercion and duress of Jacob Curtis.

6 **III. ANALYSIS OF PLAINTIFF’S COMPLAINT**

7 A. Section 1983

8 The Civil Rights Act under which this action was filed provides:

9 Every person who, under color of any statute, ordinance, regulation, custom, or
10 usage, of any State or Territory or the District of Columbia, subjects, or causes
11 to be subjected, any citizen of the United States or other person within the
12 jurisdiction thereof to the deprivation of any rights, privileges, or immunities
secured by the Constitution and laws, shall be liable to the party injured in an
action at law, suit in equity, or other proper proceeding for redress

13 42 U.S.C. § 1983. “[Section] 1983 ‘is not itself a source of substantive rights,’ but merely
14 provides ‘a method for vindicating federal rights elsewhere conferred.’” Graham v. Connor,
15 490 U.S. 386, 393-94 (1989) (quoting Baker v. McCollan, 443 U.S. 137, 144 n.3 (1979)); see
16 also Chapman v. Houston Welfare Rights Org., 441 U.S. 600, 618 (1979); Hall v. City of Los
17 Angeles, 697 F.3d 1059, 1068 (9th Cir. 2012); Crowley v. Nevada, 678 F.3d 730, 734 (9th Cir.
18 2012); Anderson v. Warner, 451 F.3d 1063, 1067 (9th Cir. 2006).

19 To state a claim under section 1983, a plaintiff must allege that (1) the defendant acted
20 under color of state law, and (2) the defendant deprived him of rights secured by the
21 Constitution or federal law. Long v. County of Los Angeles, 442 F.3d 1178, 1185 (9th Cir.
22 2006); see also Marsh v. County of San Diego, 680 F.3d 1148, 1158 (9th Cir. 2012) (discussing
23 “under color of state law”). A person deprives another of a constitutional right, “within the
24 meaning of § 1983, ‘if he does an affirmative act, participates in another’s affirmative act, or
25 omits to perform an act which he is legally required to do that causes the deprivation of which
26 complaint is made.’” Preschooler II v. Clark County Sch. Bd. of Trs., 479 F.3d 1175, 1183
27 (9th Cir. 2007) (quoting Johnson v. Duffy, 588 F.2d 740, 743 (9th Cir. 1978)). “The requisite
28 causal connection may be established when an official sets in motion a ‘series of acts by others

1 which the actor knows or reasonably should know would cause others to inflict’ constitutional
 2 harms.” Preschooler II, 479 F.3d at 1183 (quoting Johnson, 588 F.2d at 743). This standard of
 3 causation “closely resembles the standard ‘foreseeability’ formulation of proximate cause.”
 4 Arnold v. Int’l Bus. Mach. Corp., 637 F.2d 1350, 1355 (9th Cir. 1981); see also Harper v. City
 5 of Los Angeles, 533 F.3d 1010, 1026 (9th Cir. 2008).

6 A plaintiff must demonstrate that each named defendant personally participated in the
 7 deprivation of his rights. Iqbal, 556 U.S. at 676-77. In other words, there must be an actual
 8 connection or link between the actions of the defendants and the deprivation alleged to have
 9 been suffered by the plaintiff. See Monell v. Dep’t of Soc. Servs. of City of N.Y., 436 U.S.
 10 658, 691, 695 (1978).

11 B. Rule 8 Requirement of Short and Plain Statement

12 Plaintiff’s complaint fails to comply with Rule 8(a).

13 As set forth above, Rule 8(a) of the Federal Rules of Civil Procedure requires a
 14 complaint to contain “a short and plain statement of the claim showing that the pleader is
 15 entitled to relief.” Fed. R. Civ. P. 8(a)(2). Although a complaint is not required to include
 16 detailed factual allegations, it must set forth “sufficient factual matter, accepted as true, to ‘state
 17 a claim to relief that is plausible on its face.’” Iqbal, 556 U.S. at 678 (quoting Twombly, 550
 18 U.S. at 570). It must also contain “sufficient allegations of underlying facts to give fair notice
 19 and to enable the opposing party to defend itself effectively.” Starr v. Baca, 652 F.3d 1202,
 20 1216 (9th Cir. 2011). Moreover, Plaintiff must demonstrate that each named defendant
 21 personally participated in the deprivation of his rights. Iqbal, 556 U.S. at 676-77.

22 Plaintiff’s complaint does not include any factual allegations. It does not describe
 23 anything any person did to Plaintiff. Although Plaintiff claims that he suffered from torture at
 24 Madera County Jail, he does not explain what he means by this, or who did what to him. His
 25 complaint fails to give notice to any Defendant what Plaintiff believes they did wrong against
 26 his constitutional rights.

27 IV. FAILURE TO PROSECUTE AND COMPLY

28 The Court will likewise recommend dismissal based on Plaintiff’s failure to prosecute

1 this case and to comply with the Court’s screening order.

2 In determining whether to dismiss a[n] [action] for failure to prosecute or failure
3 to comply with a court order, the Court must weigh the following factors: (1) the
4 public’s interest in expeditious resolution of litigation; (2) the court’s need to
5 manage its docket; (3) the risk of prejudice to defendants/respondents; (4) the
6 availability of less drastic alternatives; and (5) the public policy favoring
7 disposition of cases on their merits.

8 Pagtalunan v. Galaza, 291 F.3d 639, 642 (9th Cir. 2002) (citing Ferdik v. Bonzelet, 963 F.2d
9 1258, 1260-61 (9th Cir. 1992)).

10 ““The public’s interest in expeditious resolution of litigation always favors dismissal.”
11 Id. (quoting Yourish v. California Amplifier, 191 F.3d 983, 990 (9th Cir. 1999)). Accordingly,
12 this factor weighs in favor of dismissal.

13 As to the Court’s need to manage its docket, “[t]he trial judge is in the best position to
14 determine whether the delay in a particular case interferes with docket management and the
15 public interest. . . . It is incumbent upon the Court to manage its docket without being subject to
16 routine noncompliance of litigants. . . .” Id. Plaintiff has failed to respond to the Court’s
17 screening order. This failure to respond is delaying the case and interfering with docket
18 management. Therefore, the second factor weighs in favor of dismissal.

19 Turning to the risk of prejudice, “pendency of a lawsuit is not sufficiently prejudicial in
20 and of itself to warrant dismissal.” Id. (citing Yourish, 191 F.3d at 991). However, “delay
21 inherently increases the risk that witnesses’ memories will fade and evidence will become
22 stale,” id. at 643, and it is Plaintiff’s failure to comply with a court order and to prosecute this
23 case that is causing delay. Therefore, the third factor weighs in favor of dismissal.

24 As for the availability of lesser sanctions, given that Plaintiff has chosen not to
25 prosecute this action and has failed to comply with the Court’s order, despite being warned of
26 possible dismissal, there is little available to the Court which would constitute a satisfactory
27 lesser sanction while protecting the Court from further unnecessary expenditure of its scarce
28 resources. Considering Plaintiff’s incarceration, it appears that monetary sanctions are of little
use. And given the stage of these proceedings, the preclusion of evidence or witnesses is not
available.

1 Finally, because public policy favors disposition on the merits, this factor weighs
2 against dismissal. Id.

3 After weighing the factors, the Court finds that dismissal is appropriate.

4 **V. CONCLUSION AND RECOMMENDATIONS**

5 Based on the foregoing, the Court RECOMMENDS that:

- 6 1. This action be dismissed for failure to state a claim, failure to prosecute, and
7 failure to comply with a court order; and
- 8 2. The Clerk of Court be directed to close this case.

9 These findings and recommendations are submitted to the United States district judge
10 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within fourteen
11 (14) days after being served with these findings and recommendations, Plaintiff may file
12 written objections with the Court. Such a document should be captioned “Objections to
13 Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that failure to file
14 objections within the specified time may result in the waiver of rights on appeal. Wilkerson v.
15 Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394
16 (9th Cir. 1991)).

17
18 IT IS SO ORDERED.

19 Dated: August 7, 2023

20 /s/ Eric P. Grogg
UNITED STATES MAGISTRATE JUDGE